P23935.A14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant	:	Kazutoyo MAEHIRO	Confirmation No.: 4973
Appln. No.	:	09/820,554	Examiner: Susan Y. Chen
Filed	:	March 29, 2001	Group Art Unit: 2161
For	:	MEMBERSHIP INFORMATION RETRIEVAL SERVER, USER TERMINAL, MESSAGE - SENDING TERMINAL, AND METHOD FOR RETRIEVING MEMBERSHIP INFORMATION AND FOR SENDING MESSAGE	

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Commissioner for Patents
U.S. Patent and Trademark Office
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Sir :

In response to the Examiner's Answer, dated April 20, 2007, to the Appeal Brief filed on

December 22, 2006, Appellant submits the present Reply Brief.

Appellant maintains that each reason set forth in the Appeal Brief filed December 22,

2006 for the patentability of the pending claims is correct and again respectfully request that the

decision of the Examiner to reject claims 1-13, 15-28 and 30 be reversed and that the application

be returned to the Examining Group for allowance.

REMARKS

The Grounds of Rejection at pages 3-7 of the Examiner's Answer dated April 20, 2007 differ somewhat from the Claim Rejections at pages 2-5 of the Final Office Action dated January 20, 2006. In this regard, citations as to where claimed features are asserted to be disclosed in MACNAUGHTON and/or JUNKIN have been revised as set forth in the Examiner's Answer dated April 20, 2007 in comparison to the citations as to where claimed features were asserted to be disclosed in MACNAUGHTON and/or JUNKIN as set forth in the Final Office Action dated January 20, 2006. Insofar as the Appeal Brief filed December 22, 2006 fully addressed the rejections as set forth in the Final Office Action dated January 20, 2006 and the requirements for patentability under 35 U.S.C. §103, the herein-contained remarks are merely supplemental to the Appeal Brief filed on December 22, 2006, and additionally address portions of MACNAUGHTON and/or JUNKIN cited in the Examiner's Answer dated April 20, 2007 as disclosing claimed features. For the sake of brevity, Applicant will summarize the portions of MACNAUGHTON and JUNKIN cited with respect to the independent claims, and explain the numerous recitations of the pending independent claims which are not disclosed, suggested or rendered obvious by MACNAUGHTON and JUNKIN, whether considered alone or in any proper combination.

Initially however, Applicant again notes that there is no proper basis for the assertion that it would be obvious to combine MACNAUGHTON with JUNKIN. Rather, MACNAUGHTON and JUNKIN are non-analogous. That is, MACNAUGTON is directed to providing a community-based online service environment (such as that which is sometimes provided by an internet service provider) to provide users with a community online internet experience.

JUNKIN is directed to an interactive television system that enables participants to compete in an interactive game. However, MACNAUGHTON and JUNKIN are not in the same field of endeavor to each other or to the invention to which the pending claims are directed. Further, at least JUNKIN is not pertinent to the problems addressed by the inventors of the invention to which the pending claims are directed.

Additionally, even if MACNAUGHTON and JUNKIN are considered analogous, it would not be obvious to combine them in the manner proposed in the rejections. Rather, JUNKIN is directed to an interactive television system, and not to providing a community-based online service environment as in MACNAUGHTON, let alone to the invention to which the pending claims are directed. Accordingly, there is no proper basis for any assertion that it would be obvious to combine MACNAUGHTON with JUNKIN to obtain claimed features.

In any case, the Final Office Action and the Examiner's Answer both assert that MACNAUGHTON is directed to substantially all of the features of the pending independent claims except for membership information having the updated video game status. However, MACNAUGHTON does not disclose numerous features recited in the pending independent claims in addition to membership information having the updated video game status. The following is a summary of the portions of MACNAUGHTON cited with respect to the independent claims.

MACNAUGHTON is directed to providing a community-based online service environment to provide users with a community online internet experience upon completion of a membership process. See Abstract, lines 1-6. MACNAUGHTON is an improvement over the CompuServe Information Service, which provided communication software to allow subscribers

to retrieve information content from an information service and interact with other subscribers. See column 1, lines 61-65. MACNAUGHTON is also an improvement over a basic web browser that is capable of understanding HTML, which is used to create webpages, and HTTP, which is used to navigate or locate websites on the Web. See column 2, lines 19-23. According to MACNAUGHTON, data that must be stored in order to provide the community-based online service environment can be stored in databases which are accessible to servers. See column 5, lines 38-41.

In MACNAUGHTON, a remote passphrase authentication module 12 of a community client 14 may communicate with a remote passphrase authentication (RPA) enabled server 36 via community server 18, in accordance with any number of protocols and or applications. See column 6, lines 35-37. When a user navigates to a new web page 22 hosted by a web server 24, a (parallel) message is sent to the community server 18 so that the user can interact with a community associated with the new web page 22. See column 6, lines 6-28. The community server 18 manages communities as defined by home pages, annotations (i.e., information service content) and their associations with or links to Web pages (as identified by URLs), and sessions established on behalf of members to enable community interaction. See column 6, lines 6-28.

In MACNAUGHTON, communities may provide capabilities which are actions that may be performed within the community. Capabilities include Who's Online (a list of members currently in the community), Chat (real time interactions with other community members), and games (such as DOOM, Quake, Flight Simulator). See column 7, line 16.

When a user navigates to a new web page 22, the community server 18 interacts with a URL database 40 to determine whether annotations are available for the URL selected by the

user. See column 8, lines 2-13. If annotations are available for the selected URL, the community server 18 interacts with a threaded message database 58 to locate the annotations. See column 8, lines 2-13.

The community server 18 also interacts with a membership database 44 to determine if a user belongs to the community associated with the selected URL. See column 8, lines 14-27. If the user belongs to the community associated with selected URL, the user may enter the community to access a home page for the community, see community comments, search community comments, create or reply to community comments, or interact and communicate with other community members by initiating communications such as chat or conferencing. See column 8, lines 14-27.

If the user does not belong to a community associated with the selected URL, the user joins the community by providing information including preferences and profile data such as name, address, age, billing information, interests and hobbies. See column 8, lines 28-46. The user may create a different profile for each community to which the user belongs. See column 8, lines 28-46.

A tracking server 32 may be used to, *inter alia*, provide notifications with information regarding the presence of members in a community at a given time. See column 8, lines 47-67. These notifications are presumably sent only to users who have joined the community. See column 8, lines 47-67.

Specific capabilities that may be provided to a user in relation to a specific community include Who's Online (a list of members currently in the community), Chat (real time interactions with other community members) and invitations (messages from one community

member to another to chat, play a game). See column 9, lines 3-31. A membership capability may include functions that support listing (list of members currently participating in a community), profile (access member profile data), modify (personal profile data), and search (community membership). See column 9, lines 32-45.

Transactions between a community server and a tracking server are shown in a TABLE. See column 19, lines 1-25. Transaction specific data for specific transactions between a community server and a tracking server 32 is shown in a TABLE. See column 19, lines 45-63. Finally, capabilities may be created to include existing capabilities, such as the Who's Online capability and the invitation capability, so that a user may obtain a list of community users currently on-line and then invoke a game based on another community member's acceptance of an invitation to play the game. See column 23, line 52 to column 24, line 3.

The above-noted description includes a summary of substantially the entirety of the portions of MACNAUGHTON which the Examiner's Answer cites as disclosing features of the independent claims. As should be evident, the Examiner's Answer is incorrect and MACNAUGHTON does not disclose numerous features of the independent claims which the Examiner's Answer asserts are disclosed in the cited portions of MACNAUGHTON.

That is, MACNAUGHTON does not disclose that membership information includes user-entered text messages as the phrase would be understood by one of ordinary skill in the relevant art. Rather, MACNAUGHTON describes that a user may join a community associated with a URL by providing information including preferences and profile data such as name, address, age, billing information, interests and hobbies. See column 8, lines 28-46. MACNAUGHTON also discloses that a user may create a different profile for each community to which the user belongs.

See column 8, lines 28-46. However, MACNAUGHTON does not anywhere disclose that such

membership information includes user-entered text messages as such a term would be understood

by one of ordinary skill in the relevant art.

Further, even if any of the above-noted profile or membership information in

MACNAUGHTON was properly considered user-entered text messages, MACNAUGHTON

does not anywhere disclose that such profile or membership information is <u>dynamically updated</u>

by the users. Rather, the description of joining a community in MACNAUGHTON is directed to

entering information during an initial session such as when the user enters a URL that relates to a

community to which the user does not belong. See column 8, lines 28-46. However, providing

profile or membership information in the initial process of joining a community is not

dynamically updating user-entered text messages as membership information. Moreover,

MACNAUGHTON describes that a user may create a different profile for each community. See

column 8, lines 28-46. However, creating a different profile for each community is not

dynamically updating user-entered text messages as membership information. Accordingly,

MACNAUGHTON does not anywhere disclose that profile or membership information is

dynamically updated user-entered text messages.

The Final Office Action and the Examiner's Answer also acknowledge that

MACNAUGHTON does not disclose that membership information includes dynamically

updated video game status information. However, this is the only feature of the independent

claims for which JUNKIN appears to be applied.

MACNAUGHTON does not disclose that any user-entered text messages information is

compared to a retrieval condition. Rather, MACNAUGHTON discloses that membership

capabilities for a community may include functions that support listing (list of members currently participating in a community), profile (access member profile data), modify (personal profile data), and search (community membership). See column 9, lines 32-45. However, none of these features discloses that any user-entered text messages information is compared to a retrieval condition. Moreover, there would not be any reason for MACNAUGHTON to compare user-entered text messages information to a retrieval condition, insofar as comprehensive membership listings and/or online presence for a community would not be determinable based on information from user-entered text messages. Finally, MACNAUGHTON discloses that a user may join a community by providing information including preferences and profile data such as names, address, age, billing information, interests and hobbies. See column 8, lines 28-46. However, MACNAUGHTON does not anywhere disclose that this information is user-entered text messages that are dynamically updated by the users, or that this information can be used as the basis for a comparison with a retrieval condition from another user. Moreover, at least some of this information, such as billing information, age and address, would be information that would likely not be made searchable to other users. Accordingly, MACNAUGHTON does not anywhere disclose that user-entered text messages information is compared with a retrieval condition.

MACNAUGHTON also does not disclose displaying the membership information of the invention to which the independent claims are directed. Rather, the listing and search capabilities in MACNAUGHTON would presumably result in a listing of generic identification information, and not membership information which includes user-entered text messages and

video game status information. Accordingly, MACNAUGHTON does not disclose displaying the membership information recited in the independent claims.

MACNAUGHTON also does not disclose selecting a plurality of displayed members to create a temporary user list that includes the membership information. Rather, a user may obtain a list of members currently participating in a community or, presumably, a complete list of community membership. See column 9, lines 32-45. MACNAUGHTON does not anywhere disclose selecting a plurality of members, let alone creating a temporary list of selected members and the membership information (i.e.., that includes user-entered text messages and video game status information) about the selected members. Further, MACNAUGHTON does not anywhere disclose that any list may result from a comparison of user-entered text messages information with a retrieval condition.

Finally, MACNAUGHTON does not disclose sending any message to a plurality of members, let alone a plurality of members in a created temporary user list as set forth above. Rather, MACNAUGHTON discloses that chat sessions may be initiated with individual members. See column 23, lines 57-60. However, an individual chat session does not disclose sending a message to a plurality of members, let alone a plurality of members in a created temporary user list as set forth above.

As set forth above, the rejections of the independent claims apply JUNKIN only for the teaching of membership information including dynamically updated video game status information. Accordingly, the above-noted features, which are not disclosed or suggested by MACNAUGHTON, are also not disclosed or suggested by JUNKIN; nor does the Final Office Action or the Examiner's Answer assert that the above-noted features, which are not disclosed or

suggested by MACNAUGHTON, are disclosed or suggested by JUNKIN. Therefore, for at least these reasons, each of the pending independent claims is patentable over the applied prior art. That is, even if combined, MACNAUGHTON and JUNKIN fail to teach all the recited claim limitations.

Each of the dependent claims is allowable for each and all of the reasons previously set forth in the Appeal Brief dated December 22, 2006, as well as for depending, directly or indirectly, from an allowable independent claim as set forth above.
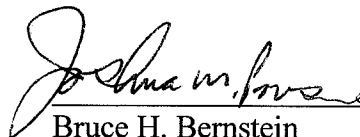
Thus, each and every pending claim of the present application meets the requirement for patentability under 35 U.S.C. §103, and the present application and each pending claim are allowable over the documents applied in the Final Office Action. Accordingly, Appellant respectfully requests that the Examiner's decision rejecting claims 1-13, 15-28 and 30 be reversed on all grounds.

As noted previously, the above remarks are merely supplemental to the Appeal Brief filed on December 22, 2006. In this regard, separate arguments were set forth for the patentability of various of the independent and dependent claims in the Appeal brief filed on December 22, 2006, and each of the reasons for allowability of both independent claims and dependent claims, as set forth in the Appeal Brief filed on December 22, 2006, is correct.

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Should there be any questions, any representative of the U.S. Patent and Trademark

Office is invited to contact the undersigned at the below-listed telephone number.

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